

IN THE UNITED STATES DISTRICT COURT  
UNIT  
AL  
FOR THE DISTRICT OF NEW MEXICO

**FILED**  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

JAN 22 2009

UNITED STATES OF AMERICA.

Plaintiff.

VS.

BILL JONES, a/k/a Charles Johnston,

Defendant.

MATTHEW J. DYKMAN  
CLERK

CRIMINAL NO. 05-1849 JH

## PLEA AGREEMENT

Pursuant to Rule 11, Fed. R. Crim. P., the parties hereby notify the Court of the following agreement between the United States Attorney for the District of New Mexico, the defendant, BILL JONES a/k/a Charles Johnston, and the defendant's counsel, VICTOR K. SIZEMORE:

## REPRESENTATION BY COUNSEL

1. The defendant understands his right to be represented by an attorney and is so represented. The defendant has thoroughly reviewed all aspects of this case with his attorney and is fully satisfied with that attorney's legal representation.

## **RIGHTS OF THE DEFENDANT**

2. The defendant further understands his rights:

- a. to plead not guilty;
- b. to have a trial by jury;
- c. to confront and cross-examine witnesses and to call witnesses in his defense; and
- d. against compelled self-incrimination.

**WAIVER OF RIGHTS AND PLEA OF GUILTY**

3. The defendant hereby agrees to waive these rights and to plead guilty to an Information charging violation of 21 U.S.C. § 846, that being conspiracy to distribute 50 kilograms and more of marijuana.

**SENTENCING**

4. The defendant understands that the minimum and maximum penalties the Court can impose are:

- a. imprisonment for a period of not more than twenty (20) years;
- b. a fine not to exceed the greater of \$1,000,000.00 or twice the pecuniary gain to the defendant or pecuniary loss to the victim;
- c. a mandatory term of supervised release of not less than three (3) years that must follow any term of imprisonment (if the defendant serves a term of imprisonment, is then released on supervised release, and violates the conditions of supervised release, the defendant's supervised release could be revoked – even on the last day of the term – and the defendant could then be returned to another period of incarceration and a new term of supervised release);
- d. a mandatory special penalty assessment of \$100.00; and
- e. restitution as may be ordered by the Court.

5. The parties stipulate and agree pursuant to Rule 11(c)(1)(C), Fed. R. Crim. P., that the sentence shall be imprisonment for a term of time-served, followed by a term of supervised release of three (3) years.

6. The United States hereby expressly reserves the right to make known to the United States Probation Office, for inclusion in the presentence report prepared pursuant to Rule 32, Fed. R. Crim. P., any information that the United States believes may be helpful to the Court.

**DEFENDANT'S FACTUAL BASIS**

7. By signing this agreement, I am acknowledging that I am pleading guilty because I am, in fact, guilty of the offense to which I am pleading guilty. I recognize and accept responsibility for my criminal conduct. Moreover, in pleading guilty, I acknowledge that if I chose to go to trial instead of entering this guilty plea, the United States could prove facts sufficient to establish my guilt to the charge to which I am pleading guilty beyond a reasonable doubt. I specifically admit and declare under penalty of perjury that from at least June 2002 through August 25, 2005, I knowingly and intentionally conspired with Dana Jarvis and numerous other people to distribute bulk marijuana for profit in the District of New Mexico and elsewhere.

8. I agree that the United States may submit additional facts related to the charges contained in the Superseding Indictment to the United States Probation Office for inclusion in the presentence report.

**DEFENDANT'S ADDITIONAL OBLIGATIONS**

9. The defendant understands his obligation to provide the United States Probation Office with truthful, accurate, and complete information. The defendant hereby represents that he has complied with and will continue to comply with this obligation.

**WAIVER OF APPEAL RIGHTS**

10. The defendant is aware that 18 U.S.C. § 3742 and 28 U.S.C. § 1291 afford a defendant the right to appeal a conviction and the sentence imposed. Acknowledging that, the defendant knowingly waives the right to appeal his conviction and imposition of the sentence agreed to in paragraph 5 of this plea agreement.

**GOVERNMENT'S AGREEMENT**

11. Provided that the defendant fulfills his obligations as set out above, the United States agrees:

a. That it will not bring additional charges against the defendant arising out of the defendant's conduct now known to the United States Attorney's Office for the District of New Mexico.

b. That it will not file an Information charging prior conviction under 21 U.S.C. § 851.

12. This agreement is limited to the United States Attorney's Office for the District of New Mexico and does not bind any other federal, state, or local agencies or prosecuting authorities.

**VOLUNTARY PLEA**

13. The defendant agrees and represents that this plea of guilty is freely and voluntarily made and not the result of force or threats or of promises apart from those set forth in this plea agreement.

**VIOLATION OF PLEA AGREEMENT**

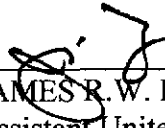
14. The defendant understands and agrees that if he violates any provision of this plea agreement, the United States may declare this plea agreement null and void, and the defendant will thereafter be subject to prosecution for any criminal violation including, but not limited to, any crime(s) or offense(s) contained in or related to the Superseding Indictment in this case, as well as perjury, false statement, and obstruction of justice.

**ENTIRETY OF AGREEMENT**

15. This document is a complete statement of the agreement in this case and may not be altered unless done so in writing and signed by all parties.

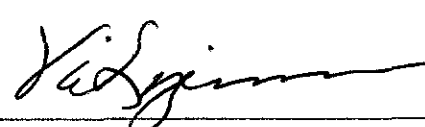
AGREED TO AND SIGNED this 22<sup>nd</sup> day of January, 2009.

GREGORY J. FOURATT  
United States Attorney

  
\_\_\_\_\_  
JAMES R. W. BRAUN  
Assistant United States Attorney  
201 Third Street N.W., Suite 900  
Post Office Box 607  
Albuquerque, New Mexico 87102  
(505) 346-7274

I have read this agreement and carefully reviewed every part of it with my attorney. I understand the agreement and voluntarily sign it.

  
\_\_\_\_\_  
BILL JONES  
Defendant

  
\_\_\_\_\_  
VICTOR K. SIZEMORE  
Attorney for Defendant